

Hearing Date: December 21, 2009 10:00a.m.

Scott E. Blakeley, Esq. (Cal. Bar No. 141418)
Ronald A. Clifford, Esq. (Cal. Bar No. 246542)
BLAKELEY & BLAKELEY LLP
4685 MacArthur Court, Suite 421
Newport Beach, California 92660
(949) 260-0611

Richard I. Hutson, Esq. (VSB No. 71097)
FULLERTON & KNOWLES, P.C.
12644 Chapel Rd., #206
Clifton, CA 20124
(703) 818-2602

Counsel to Export Development Canada

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

-----X
In re: : Chapter 11
: :
CIRCUIT CITY STORES, INC., et al., : Case No. 08-35653
: :
Debtors. :
: Jointly Administered
-----X

MOTION FOR LEAVE OF COURT TO ATTEND HEARING BY TELEPHONE

Export Development Canada (“EDC”), a creditor in the above-captioned chapter 11 cases, by and through its undersigned counsel, and pursuant to the Court’s Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management, and Administrative Procedures, hereby moves for leave of Court to attend the December 21, 2009 hearing currently scheduled to resolve any further discovery disputes that the debtors or EDC may have regarding the discovery related to EDC’s

Motion to Allow Its Late Filed Claim by telephone. In support thereof, EDC states as follows:

1. Circuit City Stores, Inc., et al. (the “Debtors”) filed voluntary petitions for relief pursuant to Chapter 11 of the Bankruptcy Code on November 10, 2008 (the “Petition Date”).

2. On November 10, 2008, the Debtors filed a motion requesting that the Court establish a bar date for filing requests for payment of administrative expense claims under Bankruptcy Code §§ 105 and 503(b)(9), which bar date was to be thirty (30) days from the service of the bar date notice on creditors of the Debtors (the “Bar Date Motion”). The Court entered an order approving the Bar Date Motion on November 12, 2008.

3. The Debtors filed a proof of service of the Notice of Bar Date on their creditors, including TechCraft Manufacturing, Inc. (“TechCraft”), on November 13, 2008, just three (3) days after the Petition Date, giving creditors, under the terms of the Bar Date Motion, until December 19, 2008 to file proofs of claim regarding any claims under § 503(b)(9) with the Debtors’ claims agent Kurtzman Carson Consultants, LLC.

4. TechCraft, a Canadian corporation, shipped goods to the Debtors on credit within twenty (20) days preceding the Petition Date with an invoice value of \$551,624.90.

5. EDC provides, *inter alia*, credit insurance to Canadian companies that export goods to companies located in the United States. Under the terms of the credit insurance policy, EDC pays the insured should its customer file bankruptcy.

6. EDC insured TechCraft’s pre-petition credit sales to the Debtors.

7. The Proof of Claim regarding the TechCraft shipments to the Debtors was filed roughly fifty-two (52) days after the 503(b)(9) Bar Date.

8. EDC, the assignee of Tech-Crafts claim filed a motion requesting that the Court allow its late filed claim on the basis of, *inter alia*, excusable neglect (the “Motion”).

9. The Debtors served discovery on EDC related to the Motion on November 4, 2009.

10. EDC timely served its objections to the discovery on counsel for the Debtors on November 19, 2009. The responses to the discovery are due to the Debtors by EDC on or before December 4, 2009. EDC does not expect there to be any issues that this Court needs to resolve regarding the discovery.

11. An evidentiary hearing is currently scheduled for January 14, 2010 to resolve the Motion on its merits.

12. A hearing was held on December 21, 2009 to resolve any discovery issues that were outstanding regarding the discovery served on EDC by the Debtors. The Court ordered that EDC forward to the Court, under seal, the insurance policy and application for payment of TechCraft pending further order of the Court, and a further status conference on the Motion was scheduled for December 21, 2009.

13. EDC’s lead counsel, Ronald A. Clifford, has been representing EDC in the discovery issues regarding the Motion, and has a unique and complete understanding of the facts and circumstances related to the discovery at issue for the December 21, 2009 hearing.

14. On November 13, 2008, the Court entered an Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management, and Administrative Procedures (the "Order"). Page five (5) of Exhibit A to the Order states:

(g) Upon request, the Court may allow counsel to listen to a hearing by telephone. If a matter is contested, counsel must attend in person, unless leave of the court is granted on a case by case basis.

15. Ronald A. Clifford has unique knowledge of the issues regarding the Motion and the discovery. His attendance at the hearing on December 21, 2009 would be required for EDC's adequate representation.

16. In an effort to minimize the costs of litigating the Motion, and because EDC does not forecast that there will be any issues for the Court to resolve at the hearing, EDC respectfully requests that Ronald A. Clifford be allowed to be present in the courtroom for the December 21, 2009 hearing by telephonic appearance.

///

///

///

WHEREFORE, EDC respectfully requests that this Court grant this request and enter an order substantially in the form attached hereto permitting Ronald A. Clifford to appear and be heard by telephone at the hearing on December 21, 2009 on behalf of EDC and grant such other relief as necessary and appropriate.

Dated: December 17, 2009

FULLERTON & KNOWLES, P.C.

By: /s/Richard I. Hutson
Richard I. Hutson, Esq.
12644 Chapel Rd., #206
Clifton, VA 20124

-and-

BLAKELEY & BLAKELEY LLP

Ronald A. Clifford, Esq.
Scott E. Blakeley, Esq.
4685 MacArthur Court, Suite 421
Newport Beach, CA 92660
(949) 260-0611

Attorneys for Export Development Canada

CERTIFICATE OF SERVICE

I hereby certify that on 17th day of December, 2009, a copy of the foregoing was served via electronic mail on the following: (i) the Core Group, which includes the Debtors, co-counsel to the Debtors, the Office of the United States Trustee, co-counsel for any committee, counsel to the agents for the Debtors' pre-petition lenders, and counsel to the agents for the Debtors' post-petition lenders; (ii) the 2002 List; (iii) those additional parties as required by the Case Management Order (all of which are defined in the Case Management Order) and (iv) electronically to the parties set forth on the Court's ECF Service List in this case.

/s/ Ronald A. Clifford